

Appeal. No. 15-2048

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

MODDHA INTERACTIVE, INC.

Plaintiff-Appellant,

v.

PHILIPS ELECTRONICS NORTH AMERICA CORPORATION

Defendant-Appellee.

On Appeal from the United States District Court for the District of Hawai'i
Case No. 1:12-cv-00028-BMK, Honorable Barry M. Kurren, District Judge

**PLAINTIFF-APPELLANT'S UNOPPOSED MOTION
FOR EXTENSION OF TIME TO FILE PRINCIPAL BRIEF**

DECLARATION OF RANDALL K. SCHMITT

CERTIFICATE OF SERVICE

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Plaintiff-Appellant MODDHA Interactive, Inc. ("Appellant"), by and through its undersigned counsel, respectfully moves this Court for a 14-day extension of time, until December 1, 2015, in which to file its principal brief. Appellant's principal brief is currently due on November 17, 2015. This motion is based upon the attached Declaration of Randall K. Schmitt. Appellees-Defendants Philips Electronics North America Corporation do not oppose this motion.

DATED: Honolulu, Hawaii, October 26, 2015.

/s/ Randall K. Schmitt
RANDALL K. SCHMITT
JESSICA M. WAN

Attorneys for Plaintiff-Appellant

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DECLARATION OF RANDALL K. SCHMITT

I, RANDALL K. SCHMITT, hereby declare:

1. I am attorney with McCorriston Miller Mukai MacKinnon LLP, counsel of record for Plaintiff-Appellant MODDHA Interactive, Inc. (“Appellant”).
2. I have personal knowledge of the matters set forth below unless stated to be made upon information and belief.
3. Appellant is seeking a 14-day extension of time until December 1, 2015, within which to file its principal brief.
4. Appellant’s principal brief is currently due November 17, 2015.
5. No previous extensions for this brief have been sought or granted.

6. Appellant's request for an extension of time is in good faith and not for the purpose of delay.

7. Counsel for Appellee Philips Electronics North America Corporation has indicated that they have no objection to Appellant's request for an extension of time so long as Appellant agrees to not oppose a request by Appellee for a 14-day extension of time to file its answering brief. Another attorney assisting me with this matter, Jessica M. Wan, informed Appellee's counsel that Appellant would not oppose such a request.

8. Accordingly, Appellant respectfully requests that this Court extent the time for Appellant to file its principal brief by 14-days—until December 1, 2015.

I, RANDALL K. SCHMITT, declare under penalty of perjury that the foregoing is true and correct.

Executed this 26th day of October, 2015, at Honolulu, Hawai'i.

/s/ Randall K. Schmitt
RANDALL K. SCHMITT

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CERTIFICATE OF SERVICE

I hereby certify that on October 26, 2015, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Federal Circuit by using the appellate CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system, addressed as set forth below, date as indicated below:

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DATED: Honolulu, Hawaii, October 26, 2015.

/s/ Randall K. Schmitt

RANDALL K. SCHMITT
JESSICA M. WAN

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